

REMARKS

Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

Claims 1-5 are cancelled without prejudice or disclaimer. Claims 6 and 7 are amended. Claims 8-14 have been withdrawn from consideration as being directed to a non-elected invention. After entry of this amendment, claims 6-7 will remain pending in the patent application.

Applicants appreciate the indication that claims 6 and 7 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 6 and 7 have been rewritten in independent form in accordance with the suggestion of the Examiner. Accordingly, it is respectfully submitted that claims 6 and 7 are in condition for allowance.

In reply to the Restriction Requirement dated October 3, 2003, Applicants hereby elect the invention of Group I, claims 1-7, drawn to a coating apparatus. This election is made with traverse.

It is respectfully submitted that the subject matter of the invention is sufficiently related so that a thorough search and examination for the subject matter of any one invention would necessarily encompass the search and examination of the remaining invention. The application can thus be searched and examined without serious burden. MPEP §803 sets forth the criteria for a proper requirement for restriction: (A) the invention must be independent or distinct as claimed; and (B) there must be a serious burden on the Examiner. As also stated in MPEP §803, "if the search and examination of an entire application can be made without serious burden the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." (Emphasis added) In addition, it is respectfully submitted that under PCT Rule 13.1, the invention of Group I and Group II are linked such that they form a single general inventive concept. In the present case, the special technical features of Group I are a process gas introducing means that is configured and arranged to inject the process gases toward an entire surface of the object, a gas injecting surface from which the process gases are injected being divided into an inner zone covering a center portion of the object and an outer zone surrounding the inner zone, and a process gas supplying means that selectively supplies the process gases to said process gas introducing means so that the raw material gas is separately injected from said inner zone and said outer zone and the oxidant gas is separately injected from said inner zone and said outer zone. The

special technical features of Group II are a first process of injecting a raw material gas to a first area directly above a center portion of the object and an oxidant gas to a second area directly above a peripheral portion of the object surrounding said center portion while maintaining the process chamber at a first predetermined vacuum, and a second process of injecting the raw material gas and the oxidant gas while maintaining the process chamber at a second predetermined vacuum lower than the first predetermined vacuum. Therefore, it is respectfully submitted that the special technical features of Group I and Group II form a single general inventive concept.

Accordingly, reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

The drawings were objected to under 37 C.F.R. §1.83(a). In response, the specification (*i.e.* page 11, lines 15-33) has been amended to delete reference numbers 160 and 162 corresponding to a bellows and a moveable shaft, respectively. It is respectfully submitted that these two elements are not essential for a proper understanding of the disclosed invention. It is also respectfully submitted that the amendment to the specification obviates the objection. Accordingly, reconsideration and withdrawal of the objection to the drawings under 37 C.F.R. §1.83(a) are respectfully requested.

The drawings were objected to under 37 C.F.R. §1.84(p)(5). In response, reference numbers 160 and 162 have been deleted in the specification and Figures 2 and 9 have been amended to include reference number 88 and line X-X. Replacement sheets 1 and 2 including Figures 2, 9 and 10 are attached to this Amendment. It is respectfully submitted that changes to Figures 2 and 9 and to the specification obviate the objection. Accordingly, reconsideration and withdrawal of the objection to the drawings under 37 C.F.R. §1.84(p)(5) are respectfully requested.

The specification was objected to. In response, the specification has been amended in accordance with the suggestion of the Examiner. Accordingly, reconsideration and withdrawal of the objection to the specification are respectfully requested.

Claims 1-4 were rejected under the judicially created doctrine of obviousness-type double patenting as being allegedly unpatentable over claims 12-22 of U.S. Pat. No. 5,958,140.

Claims 1-4 have been cancelled without prejudice or disclaimer, thus rendering moot the rejection of claims 1-4.

Claim 5 was rejected under the judicially created doctrine of obviousness-type double patenting as being allegedly unpatentable over claims 12-22 of U.S. Pat. No. 5,958,140 in view of Selyutin et al. (U.S. Pat. No. 5,951,776).

Claim 5 has been cancelled without prejudice or disclaimer, thus rendering moot the rejection of claim 5.

Claims 1-4 were rejected under 35 U.S.C. §102(e) based on Arami et al. (U.S. Pat. No. 5,958,140).

Claims 1-4 have been cancelled without prejudice or disclaimer, thus rendering moot the rejection of claims 1-4.

Claims 1-3 were rejected under 35 U.S.C. §102(e) based on Tompa (U.S. Pat. No. 6,289,842).

Claims 1-3 have been cancelled without prejudice or disclaimer, thus rendering moot the rejection of claims 1-3.

Claims 1-4 were rejected under 35 U.S.C. §102(e) based on Roithner et al. (U.S. Pat. No. 6,289,842).

Claims 1-4 have been cancelled without prejudice or disclaimer, thus rendering moot the rejection of claims 1-4.

Claim 5 was rejected under 35 U.S.C. §103(a) based on Roithner et al. in view of Selyutin et al.


Claim 5 has been cancelled without prejudice or disclaimer, thus rendering moot the rejection of claim 5.

In view of the foregoing, the claims are now believed to be in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

As all objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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Attachment: FIGS. 2, 9 and 10